

BOROUGH OF WATCHUNG

COUNCIL MINUTES

JANUARY 21, 2016 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Pote called the meeting to order at 7:30 PM and made the following statement: Under the provision of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD AND FOR WALTER NIEGISCHE, A LONG TIME RESIDENT AND MEMBER OF THE VOLUNTEER RESCUE SQUAD, AND EVELYN MILLER, FORMER TAX ASSESSOR FOR THE BOROUGH.

ROLL CALL:

Joren [P] Black [A] Nehls [P] Gibbs [P] Mobus [P]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Clerk Michelle DeRocco, Deputy Clerk MaryAnn Hance, Engineer Tom Herits, and Police Chief Joe Cina

There were 10 members of the public present

NOMINATIONS TO FILL VACANCY - COUNCIL MEMBER

Mayor Pote announced that the Clerk Michelle DeRocco was in receipt of a letter from Republican Municipal Chairman, Doyle Hunsinger, submitting the names of three (3) candidates for the position of Council member. They are as follows:

Keith Balla, D.J. Hunsinger, George Sopko

Council President Joren moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, "aye".

R1: Authorize Council Candidate Interview and Selection Process and Authorize Executive Session - Personnel

Mayor Pote acknowledged that candidates Keith Balla and George Sopko, were present, candidate D.J. Hunsinger was not present, due to a personal commitment. He confirmed that all of the Council were in receipt of the submitted resumes. He thanked the candidates for their interest in serving the Borough and stated the Council would now conduct the interviews. Each candidate will be interviewed individually and the other will be asked to step out in the hall. Candidates will be interviewed in alphabetical order.

Upon completion of interviews the Governing body will retire into Executive Session which will be held in the back chambers, therefore, the public can remain.

Council Candidate Interviews:

Mayor Pote requested Keith Balla to step forward and asked him to give a brief synopsis of his background. Mayor Pote then asked each member of the Council if they had any questions for Mr. Balla. Upon completion of the interview, Mayor Pote thanked Mr. Balla and asked him to step out to the hall.

Mayor Pote then requested George Sopko enter the Council Room and step forward and give a brief synopsis of his background. Mayor Pote then asked each member of the Council if they had any questions for Mr. Sopko. Upon completion of the interview, Mayor Pote thanked Mr. Sopko.

Mayor Pote thanked each of the candidates, and as authorized in Resolution R1, the Governing Body retired to Executive Session.

Upon return to open session at 8:19 PM members previously present were again in attendance.

Council President Joren made a motion to nominate George Sopko to fill the vacant Council seat of Ms. Beck-Clemens, whose term expires December 31, 2016 with a second by Councilman Gibbs. Upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, "aye".

Council President Joren moved the following resolution with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, "aye".

R2: Appointment of Councilmember

Mayor Pote administered the Oath of Office to Council Member Sopko as he held the bible. He then took his seat on the dais.

ROLL CALL:

Joren [P] Black [A] Nehls [P] Gibbs [P] Mobus [P] Sopko [P]

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Gibbs reported there have been two meetings this month, the latest being this evening prior to the Council meeting. He said the Committee will now be meeting the first Monday of every month at 8 AM. The Committee discussed having the Borough offices remain open until 7 PM on the first Thursday of each month. He said this will begin on February 4th and will continue through May and will be advertised on the Borough website and the newspapers. Councilman Gibbs also explained that the Resolution for the Bond sale on the agenda is not new debt, but debt that will now be at a fixed interest rate which will be more cost effective, and in the long run will save the Borough and its taxpayers money. Councilman Mobus added it makes sense to do this now to take advantage of the low interest rates. Councilman Gibbs said he and Councilman Mobus have gone through the first draft of the budget and gave recommendations to the Administrator. A second draft will be done and will then be submitted to the Mayor and Council.

2. Police – Council President Joren reported there will be a meeting tomorrow, Friday, at 8:00 AM at Police headquarters.

3. Public Works / Buildings and Grounds – Councilman Nehls said the Public Works Department is preparing for the coming storm and Christmas tree pickup has been completed. He also reported the Active Shooter Response Training for all employees was completed, drapes and windows in Council chambers and Mayor's office were cleaned; the door at DPW was repaired and the men's bathroom at Borough Hall was repainted. Councilman Nehls said there is a meeting scheduled with Mr. Iovino for the Library on Friday, January 29th, and soon after there will be recommendations made to the Council.

4. Public Affairs:

Open Space- No report was submitted

Environmental- No report was submitted

Recreation – Councilman Mobus reported there was a meeting on January 5th and he said the Commission needs two alternate members. He also reported the Commission is planning events for this year and have discussed another bus trip to New York for a baseball game. Councilman Gibbs mentioned the second grade basketball program needs more members. It is held at Bayberry School on Saturdays at 9:00 AM if anyone is interested.

Historical - Councilman Mobus reported the Commission met on January 13th and two new members, Tracee Schaeffer and Chris Vander Fliet, will fill the vacant spots. Ms. Schaeffer has already been appointed and the Commission would like to have Mr. Vander Fliet appointed at the next Council meeting.

Board of Health- Council President Joren reported on behalf of Councilman Black, and said at last night's meeting Bruce Ruck was appointed as President and Ron Jubin as Vice President. The budget was discussed and passed. Next meeting is March 16, 2016 at 7 PM.

5. Fire – No report was submitted.

6. Laws/Ordinances – Council President Joren said she is in the process of scheduling a meeting, possibly February 2nd.

REPORTS - OTHER:

7. Engineer – Tom Herits reported the Knollwood project has started with the inlets installed and some piping. He also said the DOT project for the grant was submitted and the zoning map is complete and is being checked. Mr. Herits said he will get estimates for two contracts, one for Valley Drive and the other for a generator grant from FEMA.

8. Police Chief – Joe Cina reported the two new Dispatchers started on January 2nd. He said their experience was a tremendous help in getting them acclimated. Chief Cina said they have received 130+ resumes for the vacancy for an officer. Mayor Pote asked if there had been any repeats from the last vacancies and Chief Cina said only one, and he had applied for the dispatcher position.

9. Fire Department – Tom Atkins reported that Chief Erber is at the Fire Academy Graduation Ceremony this evening. One of our Public Works employees, Vic Kissoon is graduating, in addition to one other new member. Councilman Gibbs said it is good to see that what the Borough put in place last year, having DPW members as fire fighters, is working.

10. Rescue Squad – Logan Taylor, President gave the year-end report for the Rescue Squad. He also reported the Squad approved their budget and monthly statistics.

Denise Wilson gave her outgoing Presidents' report which included the many events and accomplishments the Squad has done. Denise was thanked for her service and dedication.

11. Emergency Management- Tom Atkins said Mr. Greves asked the Mayor and Council to review the Memo of Understanding for first responders, as being requested by the County. He also reported all Borough Emergency teams are ready for the upcoming storm and reminded everyone they should think about preparing a disaster kit. Mr. Atkins said there is information on the Borough website regarding the proper use of generators and contact information for utility companies. He also said residents should watch for neighbors who may need assistance.

12. Attorney – Mr. Cruz had no report.

13. Clerk – Mrs. DeRocco had no report but wished to thank Mary Mobus and Councilman Mobus for hosting the reception after the annual Re-org meeting on January 1st. She said it is a nice tradition which was re-started by Mayor Jerry Mobus.

14. Administrator – Mr. Atkins welcomed Councilman Sopko to the Council and said if he has any questions or concerns to feel free to contact him anytime. Mr. Atkins reminded the Council of the active shooter training on February 4th at 6 PM and if they would like to have sandwiches/pizza available to let him know. He also said he can discuss the report from the Joint Insurance Fund at a later time.

Mayor Pote reported he attended the Municipal Alliance Meeting on January 13th. He said this organization promotes drug and alcohol prevention, bullying, sexual harassment and other programs and they offer money to towns to help with this. He said we should work with the schools to utilize this money. Mayor Pote also reported he had met with Mayors from other municipalities on January 6th to discuss the Pilgrim Pipeline. They all agree we must work as a team to minimize this going through our towns. It was determined there may be a need to hire an environmental expert and legal counsel, and that this should be done as a group, and that there should be a budget in place to cover the expense. He estimated between \$50,000 to 75,000. Mr. Cruz asked if this amount is for each Municipality and Mayor Pote said it was. Councilman Gibbs said the PSE&G right-of-way is critical to this Pipeline and he suggested all residents to lobby PSE&G to continue denying access. He suggested writing to President Ralph Izzo and Sheridan Balmeo, our Regional Public Affairs Manager.

Mayor Pote informed Councilman Sopko that unless he is comfortable voting on any items on the agenda he is under no obligation to do so.

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PUBLIC PORTION / AGENDA ITEMS ONLY

Lynda Goldschein, Sherwood Drive, asked why work is to be done on Valley Drive and Councilman Nehls explained that there is a section that is in need of repaving.

Rachel Funcheon, Cedar Road, asked if the Borough could possibly amend or pass an Ordinance being more specific to the Borough regarding the Pipeline. Mr. Cruz said the Ordinance in place is already specific to the Borough. Mayor Pote requested Ms. Funcheon to prepare a list of items she would like to see in an ordinance.

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UNFINISHED BUSINESS

A Public Hearing on Ordinance OR:16/01 entitled: **“BOND ORDINANCE TO AUTHORIZE THE 2015 ROAD RESURFACING PROGRAM IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,150, 000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTIFICATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”** was held.

Council President Joren moved a public hearing be held with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko “aye”.

With no one from the public wishing to be heard Council President Joren closed the public hearing and moved the following resolution:

R3:01/21/16 Adoption of Bond Ordinance OR:16/01 - 2015 Road Resurfacing Program

Councilman Nehls seconded the motion and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko, “aye”.

Councilman Gibbs explained that this is not for “new” debt but is being redone because of a publishing error when initially approved in 2015.

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NEW BUSINESS

CONSENT AGENDA: The Consent Agenda Items listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls. Councilman Nehls requested Item #1 be pulled for discussion and separate vote. Motion was revised and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko, “aye”.

Approval of the following Council minutes:

December 17, 2015 Regular and Executive Sessions
January 1, 2016 Re-Organization
January 5, 2016 Regular and Executive Sessions

Acknowledging Receipt of the following Borough Reports:

Police Department Activity Report – November, 2015
Building Department Report – December, 2015
Board of Adjustment Minutes – October 8, November 12, 2015
Recreation Commission Minutes – November 4, 2015

Acknowledging Receipt of the following Correspondence:

- #1- Lisa Gorab, Esq. / Wilentz, Goldman & Spitzer, PA 1/07/16 Notification and Resolution on behalf of Watchung Hills Regional High School Board’s decision to hold a Special District Election on Tuesday, March 8, 2016 that will authorize certain actions in connection with a proposed school facilities project c: M & C, TEA, WH
- #2- NJ American Water 1/15/16 Notice of Petition and Public Hearing Dates on proposed Purchased Water Adjustment and Wastewater Treatment Adjustment Clauses c: M & C, TEA, Post

In regard to #1, Councilman Nehls explained that this is for a Special District Election for the Watchung Hills Regional High School Board to vote on a proposed school facilities project. He said a few years ago the Board received approval for twelve million dollars for repairs and did not understand why this is being presented now. This is for athletic field turf which could cost hundreds of thousands of dollars. Councilman Gibbs also stated the Borough is looking out for the residents. He said the Borough pays the District 25% of all costs. Councilman Gibbs suggested residents should attend the Board of Education meetings.

Councilman Nehls moved item #1 with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko, “aye”.

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CONSENT AGENDA RESOLUTIONS: The Consent Agenda Resolutions listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko, “aye”.

R4:1/21/16 Authorize Person-to Person Transfer of Liquor License – TGI Fridays Inc.
#1821-33-006-004

R5: Authorize Clerk to Issue Raffle License – Children’s Tumor Foundation

R6: Endorsing the Submission of the Recycling Tonnage Grant Application to the State of New Jersey, and Designate Recycling Coordinator / MaryAnn Hance

R7: Authorize Execution of Agreement with Somerset County / Certified Recycling Professional (CRP)

R8: Authorize Professional Service Contracts – Auditor/ Suplee Clooney & Co.
Bond Counsel/ Rogut McCarthy LLC
Engineer/ Maser Consulting
Labor Attorney/ Ruderman Horn & Esmerado, P.C.
Bd. of Adj. Attorney/ McDonald & Rogers
Bd. of Adj. Engineer/ Engineer/Planner
Pl. Board Attorney/Francis P. Linnus, Esq.
Pl. Board Engineer/ Maser Consulting

R9: Purchases Over \$2,000. – Dell, Inc. (Borough Hall Terminal Server)

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NON-CONSENT AGENDA ITEMS: Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Councilman Gibbs moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, “abstain”; Nehls, Gibbs, Mobus, Sopko, “aye”.

R10:01/21/16 Authorize Professional Service Contracts – Borough Attorney/ Albert E. Cruz, Esq.
Prosecutor/ Richard Guss, Esq.

Council President Joren moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko, “aye”.

R11: Introduction of Ordinance OR:16/02 – “AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CHAPTER IX, ENTITLED ‘ALCOHOLIC BEVERAGE CONTROL,’ SPECIFICALLY SECTION 9-3.7 THEREOF, ENTITLED ‘LICENSE FEES; MAXIMUM NUMBER’ AS HERETOFORE SUPPLEMENTED AND AMENDED”

Council President Joren moved the Ordinance be given its first reading. So Ordered. Council President Joren moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of Public Hearing. The motion was seconded by Councilman Gibbs and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko, “aye”. Public Hearing to be held on February 4, 2016.

Mr. Cruz explained after the Clerk researched the Liquor Licenses it was determined this would bring the License fees to the maximum allowed by the Alcoholic Beverage Control Commission.

Councilman Gibbs moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, “aye”, Sopko, “abstain”.

R12: Resolution Combining Several Authorizations of Bonds into a Single Issue and Prescribing the Details and Bond Form Thereof for \$8,170,000 General Improvement Bonds Dated February 15, 2016

Councilman Nehls thanked Administrator Tom Atkins, CFO Bill Hance and the professionals from Suplee Clooney & Co. and Rogut McCarthy for putting together additional information and getting it to the Council for review prior to this meeting. He said this additional information gave the Council a better understanding of what is being accomplished by moving this forward now in order for the Council to make a more informed decision. He said it is understandable that the Borough must Bond for such items as roads, sewers, trucks, etc. but certain items should not be purchased by Bonds. He said they should be paid for with current funds. Councilman Gibbs also agreed and said the Finance Committee did discuss this with the Administrator and in the future they will consider paying for items and not borrowing. He said budgets are tricky and we rely on the Administration and professionals to come up with the best possible solutions. Councilman Gibbs said this option is in the best interest of the residents in the long term. Mayor Pote said making the decision to go below CAP last year made it necessary to move things to Bonds. He said you cannot reduce expenditures from the Capital account and not have consequences.

Mr. Cruz said this was refinancing Bond Anticipation Notes to permanent Bonds. He said according to the Local Bond Laws, you can only have temporary BANS for a limited time before you must transfer this to permanent long term debt. He then asked if his understanding on the vote was correct that we must have four votes to pass this, and Administrator Atkins said this was correct.

Councilman Gibbs moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, “aye”, Sopko, “abstain”.

R13: Resolution Authorizing the Publication, Printing and Distribution of a Notice of Sale and the Publication of a Summary Notice of Sale and Prescribing the Forms thereof for \$8,170,000 General Improvement Bonds, dated February 15, 2016, approving the Preparation, Distribution and Execution of a Preliminary and Final Official Statement for Such Bonds, Undertaking to Provide Continuing Disclosure of Financial Information, Covenanting to Comply with the Internal Revenue Code of 1986, as Amended, Designating Such Bonds as “Qualified Tax-Exempt Obligations” for Purposes of the Internal Revenue Code of 1986, as Amended, and Authorizing Various Matters in Connection with Electronic Bidding for the Bonds

Councilman Mobus moved the following resolution with a second by Council President Joren and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, “aye”, Sopko, “abstain”.

R14: Payment of Bills

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PUBLIC PORTION - GENERAL DISCUSSION

Dorothy Addario, Rock Avenue, said regarding the unfairness of the Borough’s tax burden for the Regional School District, her husband and former Mayor Tony thoroughly researched this and she has many files which she will locate and bring to Borough Hall if the Council would like them. Councilman Gibbs asked her to please bring them in.

Lynda Goldschein, Sherwood Drive, asked if there was any new information on the Cathy Hammel situation and Mayor Pote said it is in the hands of the County Prosecutors Office.

Rachel Funcheon, Cedar Road, questioned R6 and what the Borough uses the grant money for. Mr. Atkins explained with budget cuts last year some of the money was used to offset the cost of the County residential Curbside Recycle Program.

Mr. Cruz wished to clarify there are two meeting scheduled for February 4th, a Special Meeting to be held at 6 PM and then the regular Council meeting at 7:30 PM. Mr. Atkins said this was correct.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:45 PM to the Call of the Chair and to the next scheduled Council meeting 7:30 PM, February 4, 2016, and before that there will be a Special Meeting to begin at 6:00 PM.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk